

his being from New Mexico where so much dealing with things nuclear have taken place for the last 60 years.

So, Mr. President, I am elated and enthused about the new Secretary Richardson. He has big shoes to fill, as Secretary Pena has done an outstanding job. Secretary Pena has approached his job in a bipartisan fashion. Even though he is part of this administration, he has reached out to Chairman DOMENICI and the ranking member of this subcommittee in trying to be fair and reasonable in his approach to issues that are so important to this country and to the world.

I applaud and commend the administration for selecting Bill Richardson to be the next Secretary of Energy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRATULATING THE DETROIT RED WINGS ON WINNING THE 1998 STANLEY CUP

Mr. LEVIN. Mr. President, I rise to speak on S. Res. 251, which has been introduced by myself and Senator ABRAHAM, which I am confident will be passed later on today. This resolution congratulates the Detroit Red Wings for their second successive Stanley Cup victory. Tuesday night, the Red Wings defeated the Washington Capitals 4 to 1. This is the second time in 2 years that the Red Wings have swept the Stanley Cup finals—four straight.

In perhaps the most moving and memorable moment of the evening, after the victory, the Stanley Cup was placed in the lap of Vladimir Konstantinov, who was injured after last year's Stanley Cup victory in an automobile accident. I have come to know Vlady and his wife Irina during this past year, when they have recovered, at least partly, from that terrible tragedy of a year ago. What is extraordinarily moving is the way the Red Wings—indeed, all the Red Wings' fans—have become a closer family as a result of that accident, the way they have surrounded Vlady with love and support. The whole town—indeed, our whole State and to some extent the entire country—has come to the support of Vladimir Konstantinov. When he was pushed in his wheelchair around the ice at the MCI Center on Tuesday night, with the Stanley Cup in his lap, surely we reached a new height in terms of what family means and what family is all about.

The Red Wings have surely the greatest hockey fans on Earth. Detroit lives and breathes hockey, and there are a legion of fans all over our State and throughout the country who came to

the MCI Center on Tuesday night. There was a sea of red shirts in the stands. I was one of those who had the pleasure of being there to see this very, very special victory. I also, though, want to not just pay my respects and appreciation to the players who brought home the cup again, and the Konstantinovs and those who supported that team, but also to the Caps fans who treated the Red Wings fans in the audience with such decency and civility.

I have been to a lot of Red Wings games away from home where that was not true, where the opponents' fans, indeed, were quite hostile to their opponents. But on Tuesday night, as was true on Saturday night, the Caps fans treated us very, very civilly indeed. And when it came that moment, that very magic moment in the third period when the fans were serenading Vlady, who was sitting up with Irina in the stands, the Caps fans joined with the Red Wings fans in the arena singing, "Vlady, Vlady, Vlady." That was also a moment I will always remember and cherish. Our captain, Steve Yzerman, won the Conn Smythe Trophy, deservedly so. He has been an extraordinary role model for so many young players, as Detroit Red Wings before him were role models for him.

Speaking just for one more moment on that subject, when I was young and my brother Sander was young, we used to go down to Olympia frequently with my mother, going up to the cheapest seats available, three flights up in the balcony, where we rooted for an earlier generation of great Red Wings, the so-called Production Line of Sid Abel, Gordie Howe and Ted Lindsay, and our great goalie Terry Sawchuk in those years, in the fifties, who brought home the Stanley Cup on many occasions to Detroit.

That has happened again this week. The Red Wings fans, perhaps a million of them, have just finished celebrating in a parade down Woodward Avenue from the Fox Theater to the Hart Plaza. The Hart Plaza, by the way, is named after a former U.S. Senator, one who touched the hearts and the souls of this body, Phil Hart. The place where that parade started was the Fox Theater, and it was very appropriate that that be the place because that theater has been restored by the Ilitchs, Mike and Marian Ilitch, who are the owners of the Detroit Red Wings. I only wish I could be there to greet my friends the Ilitchs in person today, to thank them again for what they have done for our city. But how sweet that victory was, how moving that victory was, how important these events are in terms of gluing our communities together, bringing us together as family.

With the shouts of, "Go, Wings, go!" still ringing in my ears, they now can savor the victory of a Stanley Cup. Just as their names are engraved on that cup, so their names will be engraved in this resolution when it

passes, after Senator ABRAHAM has an opportunity to get to the floor.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

Mr. DORGAN. Mr. President, I understand that we are in morning business. However, the pending business, beginning at 2 o'clock, is the Energy and Water appropriations bill. I will make a couple of comments about the legislation brought to the floor by Senator DOMENICI and the ranking member, Senator REID.

I am a member of the Subcommittee on Energy and Water, and I support this piece of legislation. I think Senator DOMENICI and Senator REID have done a wonderful job. I understand that a lot of the details of this legislation will not be discussed at great length today, but I want to mention a couple of things in this bill just for purposes of alerting people that there are some significant problems that are being addressed, especially in the State of North Dakota, in this legislation.

One piece of this legislation deals with funding for something called the Garrison Diversion Project. Now, that is a foreign language to most people, and no one really would be expected to know much about the Garrison Diversion Project in North Dakota. But I want to give some history, just for a few brief minutes, about this project and why it is important.

Many years ago, the Missouri River—which was an aggressive, large river coming out of the mountains in Montana—was untamed, and during the spring flooding it would race down over its banks, and in the lower regions of the Missouri River down in Kansas City and elsewhere you would have massive flooding, flooding, in fact, all the along the way, including cities in North Dakota. It became a huge problem. Federal officials said let us try to harness the Missouri River with a series of dams. They proposed a series of "stem" dams on the Missouri River and one would have been in North Dakota.

In the 1940s, the Federal officials said the folks downstream want the river harnessed so it won't flood, so they don't have all the problems downstream. What we would like to do is build a dam in your State. We would like to have a flood come to your State—behind the dam—that comes and stays forever. The flood in your State of North Dakota will be a 500,000-acre flood about the size of the State of

Rhode Island. So they said to North Dakotans—in the 1940s—if you will allow us to put a permanent flood in your State by building a dam and damming up the water behind it, put a permanent flood that comes and stays forever in your State, we will give you the ability to move that water behind that dam in that reservoir around the State for a whole range of important purposes, including municipal, rural and industrial water needs.

People of North Dakota thought, that is not a bad deal. We will accept the flood that comes and stays forever, but then we will get this promise from the Federal Government of being able to take water from behind that dam and moving it around the State to improve water supplies to farmsteads, cities and so on in North Dakota, to provide water for industrial development and a whole range of things that will create more economic growth in the State.

So they built the dam. President Eisenhower came out and dedicated the dam. Then they created the flood. So the dam is there, the flood came, the flood stayed, and we have a Rhode Island-size flood in our State forever.

So we got the cost, we are now hosts to a permanent flood, but we have not yet gotten all of the benefits. And that is what the Garrison Diversion Project and the funding in this bill is about.

With the consent of the Presiding Officer, I will show my colleagues, or at least provide a demonstration today for those watching, the quality of water that we are talking about in some of our communities.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I brought to the floor a little container of water. Now I know this looks very much like coffee. It is not coffee. It is well water from a well at Keith and Ann Anderson's place in North Dakota. The water that comes from that well, looking like the color of coffee, is water that will be replaced by water behind the Garrison Dam from the Missouri River.

That new water, the fresh water, coming out of the mountains from Montana in that large reservoir now in North Dakota can be moved around our State and can replace this water and we will have safe, wholesome and healthy drinking water in communities and on farmsteads in our State.

That is one part of this project. This chart shows what I have just showed a moment ago, the color of some of this water, the quality of the water that is being used, forced to be used in some communities, in some farmsteads in North Dakota and why we must find a supplemental supply for it. That is what this project is about. Water delivered to rural North Dakota by pipeline behind the reservoir looks like this clear water, and it replaces this brown water.

Is that good for people's health? Of course it is. Is it good for our State? Is

it a good investment in our future? Of course it is. Is it, more importantly, keeping a promise to a State that got the cost of a flood that comes and stays, keeping the promise to be able to use that water for economic development for our future? Yes, that is an important promise for this government to keep. For that, I appreciate the work of the Senator from New Mexico and the Senator from Nevada today on this piece of legislation.

I will make a point about one additional provision in this legislation dealing with some construction money for what is called an emergency outlet at Devils Lake, ND. I show a photograph that was taken in 1965. This is a woman standing next to the bottom of a telephone pole. She is looking up to the top of the pole. The pole actually ended about here. This lake, is now way up to here, far, far above her head. This is Devils Lake, which is part of a basin the size of the State of Massachusetts. It is one of two closed basins in the United States. One is the Great Salt Lake and one is Devils Lake.

In this basin the water runs down, just like any funnel, except there is no place for it to go. This lake has gone up and up and up. You can see, relative to this picture in 1965, where the water is today. This graph shows it even better. It shows what has happened over 150 years with respect to the water level. It is at 1,445.5 feet now. The cumulative damages from all of this are substantial: hundreds of millions of dollars, threatening people's homes, inundating farmland, threatening cities. This has been a huge problem, and there is no obvious solution for it—at least there is no one obvious solution.

We are working on a range of things to try to resolve and respond to this issue: No. 1, upland storage, up in the upper part of the basin, to store water so it doesn't flow down to the lake, building dikes to protect cities; No. 3, raising roads, which is expensive, we have had to raise roads and then raise them again; No. 4, an emergency outlet to try to take some pressure off of that lake—an emergency outlet that would go over to the Sheyenne River. That is what is in this piece of legislation—another component of financing for an emergency outlet from Devils Lake.

I know for those who have never seen or heard of Devils Lake that this doesn't mean very much. But this means almost everything to the people in the region and who are now threatened every day by this lake that continues to rise. The lake has doubled in size and tripled in volume in just a few short years. It now threatens a very substantial city in our State, cripples an economy, inundates roads, and it is a very, very serious problem.

The piece of legislation before us provides another increment of construction funding for an emergency outlet. The outlet would not be huge; it would not be an outlet sufficient to let a lot of water off of the lake. But the outlet would remove a foot to a foot and a

half a year of water from the lake depth. Marginally, over a period of years, it would help to take some pressure off of that lake.

So that is the story of these two projects. Once again, I wanted to simply indicate that both of them are very important. We have had the cooperation of the chairman of the subcommittee, the ranking member, and others, on the appropriations subcommittee, to get some funding for both of these projects. Both projects will be good investments in our country and in our country's future.

I commend the Chairman of the Energy and Water Subcommittee, Mr. DOMENICI, and the ranking member, Mr. REID, for the consideration given to the people of North Dakota in the Fiscal Year 1999 Energy and Water Appropriations bill. The people of North Dakota are most thankful for the Appropriations Committee's support of the state's priority water projects, particularly the Devils Lake emergency outlet and the Garrison Diversion project.

I am privileged to serve on the Subcommittee and I note that Senator DOMENICI, in his statement before the Full Committee, remarked that he was able to provide only between 60-70 percent of the optimal funding level for water project construction in this bill. He faced enormous difficulties in this bill brought on by a budget request which was \$1.8 billion below the level required to continue ongoing construction projects at their optimal level.

In the face of these difficulties, the Subcommittee supported funding for an emergency outlet from Devils Lake—a body of water that normally has no natural outlet. It's a body of water that is rising inexorably and with a vengeance, displacing people, rendering formerly productive fields and roads useless. The devastating flooding in the Devils Lake region is very similar to recent flooding at Salt Lake, Utah—the other major closed basin in the United States.

A headline this week from a local newspaper reads: "Economic costs of Devils Lake flood are staggering." More than 170 homes have had to be moved. Damage to roads, bridges, and other property is estimated at around \$250 million. And 70,000 acres of prime land have disappeared. The long-term effects of this flood emergency on personal incomes, on regional agriculture and local businesses, and on the local tax base are as yet undetermined. But the short-term impacts are unmistakable as bankruptcies multiply, farm auctions become routine, and local governments scratch to pay for mounting costs with dwindling revenues.

The Senate Subcommittee and Full Committee honored the President's request for funding to address this emergency. Some predictions are that the lake could keep on rising and eventually spill into the Sheyenne River, resulting in a flood of unknown magnitude, but sure to result in the loss of

key roads, vital infrastructure and thousands of acres of farmland. Such an uncontrolled outflow from the east end of the lake, with extremely high levels of dissolved solids, would create environmental havoc for the water supplies of downstream communities.

For these reasons and others, the Committee wisely provided additional funding for an emergency outlet from the west end of the lake, where water quality is compatible with the Sheyenne River. Controlled releases would also be managed so as to avoid any downstream flooding.

I would further point out to my colleagues that the project must meet tough fiscal and engineering tests, besides complying strictly with the National Environmental Policy Act and the Boundary Waters Treaty of 1909. The latter requirement involves full consultation with the International Joint Commission in order to address potential concerns of the Government of Canada.

Finally, let me emphasize that the appropriation for an outlet bars the use of these funds to build an inlet to Devils Lake. Despite the lingering fears of some interests, neither the FY 1999 appropriations nor the prior appropriations would allow for an inlet. Moreover, pending legislation to revise North Dakota's main water development project, the Garrison Diversion Unit, includes no provision for either an inlet to or an outlet from Devils Lake. This reflects a joint determination by the bi-partisan elected leadership of North Dakota on how to proceed with these projects.

This FY99 funding bill also addresses another emergency situation near Williston, North Dakota. There again rising waters are threatening to render useless thousands of acres of farmland in the Buford-Trenton project and to displace farmers. The funding provided by the Senate will allow for the purchase of easements which are authorized under the Water Resources Development Act of 1996. This is another extremely important project which the Senate has supported at a reasonable level.

The Subcommittee has added \$6 million to the budget request the Garrison Diversion project, in order to meet the federal responsibility for critical water development needs in our state. Let me state that the key to economic development in North Dakota is water development and that the key to water development is the Garrison Diversion project.

Let me illustrate the importance of this project. Garrison funding will ensure that Indian tribes can provide clean drinking water to tribal members that often have to use some of the worst water in the nation. It will also deliver reliable water supplies for irrigation, industry, and residential use in semi-arid regions of the state and to communities whose normal drinking water looks more like tobacco juice. Moreover, the bill will continue to sup-

port environmental enhancements and wildlife habitat by means of such Garrison programs as the Wetlands Trust.

In a word, the Garrison funding will help to fulfill the federal commitment to develop a major water project in North Dakota to compensate the state for the loss of 500,000 acres of prime farmland. This land was flooded behind the Garrison Dam in order to offer flood protection and inexpensive hydro power to states downstream.

I would also advise my colleagues that North Dakota's elected leaders are working on legislation to revise the Garrison project to meet the state's contemporary water supply needs in a fiscally and environmentally responsible way. The Garrison revision bill will refocus the project to provide municipal, rural and industrial water supplies to regional water systems, Indian reservations, and the Red River Valley while enhancing fish and wildlife habitat.

Finally, the bill before the Senate has supported funding which will allow the Army Corps of Engineers to proceed on a long-term flood protection plan for the city of Grand Forks, North Dakota on the Red River. Approximately one million dollars included will be used for preparatory studies and planning of the permanent levees to protect the sister cities of Grand Forks, North Dakota and East Grand Forks, Minnesota that were devastated in the catastrophic floods of 1997.

My purpose today is to thank the leadership of the Energy and Water Subcommittee, and the Full Committee leadership, Mr. STEVENS and Mr. BYRD, for addressing in this bill projects of critical importance to North Dakota. Their leadership is appreciated.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is currently in morning business, and Senators are permitted to speak for up to 10 minutes.

#### DELAYS IN SENATE ACTION ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, just a couple of weeks ago, I commented in the CONGRESSIONAL RECORD on the Senate majority's poor record in acting on judicial nominees, especially noting those judicial nominees who are either minorities or women. I included a recent letter from the Congressional Hispanic Caucus, which calls upon the Senate Republican leadership to allow votes on the Latino judicial nominees

who have languished in the Senate for far too long.

I have also spoken often about the crisis in the second circuit and the need for the Senate to move forward to confirm the nominees to that court who are pending on the calendar. Judge Sonia Sotomayor is just such a qualified nominee, and she is one being held up by the Republican majority, apparently because some on the other side of the aisle believe she might one day be considered by President Clinton for nomination to the U.S. Supreme Court, should a vacancy arise.

Last week, a lead editorial in the Wall Street Journal discussed this secret basis for the Republican hold against this fine judge. The Journal reveals that these delays are intended to ensure that Sonia Sotomayor not be nominated to the Supreme Court, although it is hard to figure out just how that is logical or sensible.

In fact, how disturbing, how petty, and how shameful: Trying to disqualify an outstanding Hispanic woman judge by an anonymous hold.

I have far more respect for Senators who, for whatever reason, wish to vote against her. Stand up; vote against her. But to have an anonymous hold—an anonymous hold—in the U.S. Senate with 100 Members representing 260 million Americans, which should be the conscience of the Nation, should not be lurking in our cloakrooms anonymously trying to hold up a nominee. If we want to vote against somebody, vote against them. I respect that. State your reasons. I respect that. But don't hold up a qualified judicial nominee.

I was asked last week by Neil Lewis of the New York Times about this circumstance. He correctly reported my response in a front page story this last Saturday. I am offended by this anonymous effort to oppose her prompt confirmation by stealth tactics. Here is a highly qualified Hispanic woman judge who should have been confirmed to help end the crisis in the Second Circuit more than three months ago.

The times Argus recently included an editorial entitled "Partisan Nonsense" on this hold. The editorial notes that Judge Sotomayor rose from a housing project in the Bronx to Princeton, Yale and a federal court appointment by President Bush, a Republican. The editorial notes that the stalling tactics are aggravating the judicial emergency faced by the Second Circuit caused by judicial vacancies for which the Republican leadership in the Senate refuses to consider her, and another worthy nominee. The editorial concludes by urging me to make "a lot of noise over this partisan nonsense."

I don't always follow the editorials in my home State. But this one I am happy to follow.

I will continue to speak out on behalf of Judge Sotomayor and all the qualified nominees being stalled here in the U.S. Senate.

Judge Sotomayor is not the only woman or minority judicial nominee